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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,553	02/10/2006	Wilhelmus Petrus Van Deijzen	3135-051655	7094

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EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,553

Applicant(s)VAN DEIJZEN, WILHELMUS
PETRUS**Examiner**

CHIKADILI E. ANYIKIRE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application is responsive to application number (10536553) filed on February 10, 2006. Claims 16-30 are pending and have been examined.

Information Disclosure Statement

2. Acknowledgement is made of applicant's information disclosure statement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16-18 and 25-27 rejected under 35 U.S.C. 102(b) as being anticipated by Ely (WO 97/40624).

As per **claim 16**, Ely discloses a system for processing visual information, comprising:

a plurality of cameras for recording visual information (Fig 2 elements 114; page 10 lines 3 – 15),

control room (Fig 2 element 104) in communication with the cameras and having means for displaying recorded visual information (page 9 lines 4-15 and page 14 lines 10-18), and

control means for influencing the information display in the control room, wherein the system is also provided with storage means for storing the operations performed with the control means (page 12 lines 18-30 and page 14 lines 20 – 30; page 12 teaches the ability to store the compressed data from the encoding operations).

As per **claim 17**, Ely discloses the system as claimed in claim 16, wherein the storage means are adapted to store the operations performed with the control means in combination with at least a part of the visual information displayed as a result of the operations performed with the control means (page 12 lines 18-30; teaches the ability to store the compressed data from the encoding operations).

As per **claim 18**, Ely discloses the system as claimed in claim 16, wherein the control room is also provided with communication means and the storage means are adapted to store the operations performed with the communication means (page 9 lines 10 – 18; teaches that the control room (i.e. host computer located in the central room) communications with a communications means (i.e. LAN)).

Regarding **claim 25**, arguments analogous to those presented for claim 16 are applicable for claim 25.

Regarding **claim 26**, arguments analogous to those presented for claim 17 are applicable for claim 26.

Regarding **claim 27**, arguments analogous to those presented for claim 18 are applicable for claim 27.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 19-24 and 28-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Ely (WO 97/40624) in view of Eshelman et al (US 6,611,206, hereafter Eshelman).

As per **claim 19**, Ely teaches the system as claimed in claim 16.

However, Ely does not explicitly teach wherein the system is also provided with input means for supplying to the storage means an identification of an operator of the control means.

In the same field of endeavor, Eshelman teaches wherein the system is also provided with input means for supplying to the storage means an identification of an operator of the control means (column 11 lines 26 – 30).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify invention of Ely in view of Eshelman. The advantage is combination of data in ways that allow useful patterns to be detected in the manner that a human observer can detect subtle patterns.

As per **claim 20**, Ely teaches the system as claimed in claim 16.

However, Ely does not explicitly teach wherein the system is also provided with a data processing unit with which statistical information is generated from the operations performed with the control means.

In the same field of endeavor, Eshelman teaches wherein the system is also provided with a data processing unit with which statistical information is generated from the operations performed with the control means (column 6 lines 1 – 11 and column 11 lines 26-30).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify invention of Ely in view of Eshelman. The advantage is

combination of data in ways that allow useful patterns to be detected in the manner that a human observer can detect subtle patterns.

As per **claim 21**, Eshelman teaches the system as claimed in claim 20, wherein the system is also provided with second storage means adapted to store the statistical information generated by means of the data processing unit (column 6 lines 1 – 11 and column 11 lines 26-30).

As per **claim 22**, Eshelman teaches the system as claimed in claim 20, wherein the data processing unit connects to a control module with which the information displayed in the control room is transmitted (column 5 lines 47-50, column 6 lines 1 – 11 and column 11 lines 26-30; Eshelman teaches that a unit is used to generate statistical information that can be sent to a central location).

As per **claim 23**, Eshelman teaches the system as claimed in claim 16, wherein the system is also provided with detection means for observing behaviour of an operator of the system (column 6 lines 1 – 11 and column 11 lines 26-30; Eshelman's invention uses means to detect various characteristics from an occupant (i.e. operator)).

As per **claim 24**, Eshelman teaches the system as claimed in claim 23, wherein the detection means connect to the storage means for storing the operations performed with the control means, which storage means are also adapted to store the information generated with the detection means (column 6 lines 1 – 11 and column 11 lines 26-30).

Regarding **claim 28**, arguments analogous to those presented for claim 19 are applicable for claim 28.

Regarding **claim 29**, arguments analogous to those presented for claim 20 are applicable for claim 29.

Regarding **claim 30**, arguments analogous to those presented for claim 21 are applicable for claim 30.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

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